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REMARKS

Claims 1, 2, 4, 10-13, 19, 22, 23, 35-38, 40, 44, 49-53, 55, 56 and 58-71 are pending in the application, claims 10-13, 22, 23, 35-38, 40, 44, 49-53, 55, 56 and 64-70 are withdrawn from consideration, claims 19 and 71 are allowed; and claims 1, 2, 4 and 58-63 are rejected.

Claims 1, 2, 4, 58, 60, 61-63 and 71 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **November 21, 2003**.

Claim Objections

Claims 2, 4 and 71 are objected to because of informalities. Taking the Examiner's comments into consideration claims 2, 4 and 71 have been amended. Therefore, withdrawal of the objection to the claims is respectfully requested.

Claim Rejections under 35 USC §112

Claims 58, 60, 61 and 63 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Taking the Examiner's comments into consideration claims 58, 60, 61 and 63 have been amended. Therefore, withdrawal of the rejection of Claims 58, 60, 61 and 63 under 35 USC §112, second paragraph, is respectfully requested.

Claim Rejections

Claims 1, 2, 4, 58 and 60-63 are rejected under 35 USC §102(b) as being anticipated by JP Pat. 4-16812.

Claims 1, 2, 4, 58 and 61 are rejected under 35 USC §102(e) as being anticipated by Akui et al. (U.S. Patent No. 5,577,991).

Claim 59 is rejected under 35 USC §103(a) as being unpatentable over Akui et al.

Claim 1

It is noted in the cited reference, JP4 - 16812, the part of the image guide 14 corresponding to the image transmitting optical system in the present application is thinner than the part of the objective optical systems 13a and 13b corresponding to the objective optical system in the present application. (Fig. 1)

It is noted in Akui reference that the relay lens system 65 corresponding to the image transmitting optical system in the present application is thinner than the part of the objective lenses 64 corresponding to the objective optical system in the present application. (Fig. 19)

Hence, the invention of claim 1 of the present application is differentiated from both the references. So, it is not proper for the Examiner to reject claim 1 under 35 U.S.C. 102(b). Specifically, claim 1 patentably distinguishes over the prior art relied upon by reciting,

“An endoscope comprising: an elongated inserted section; an illuminating light projecting means projecting an illuminating light from the distal end side of said inserted section; an objective optical system arranged on the distal end side of said inserted section, having at least two optical systems receiving the light from an object illuminated by said illuminating light and forming at least two images not equal to each other; and one image transmitting optical system having single optical axis and being formed to be of a size equal to or larger in the radial direction than a size of said objective optical system, and arranged within said inserted section and transmitting said two images in common.” (Emphasis Added)

Therefore, claim 1 is patentable over the cited references. Since claims 2 and 4 depend from claim 1, they are also patentable over the cited references.

Claims 59-62

As to claims 59-62, it is noted in the cited reference, JP4 - 16812, that the objective optical system does not form the plural images having parallax at the spatially separated positions.

In the item 6 third paragraph of OFFICE ACTION, it is noted in the Examiner's comments, "..... the objective optical system forms plural images having a parallax between each other respectively in spatially separated positions (Fig. 1).....". However, the Examiner is in error in his interpretation in this regard. In accordance with Fig. 1 and the description thereof in the specification, the two objective optical systems 13a and 13b form the image at the distal end surface

of the image guide 14 as the common focal plane thereof. Furthermore, in accordance with Fig. 1, it is noted that the lines indicating respectively the optical axes of the objective optical systems 13a and 13b are reflected by the prism, and after that, both arrive at the center of the distal end surface of the image guide 14. That is to say, the images having the parallax as formed spatially at the same place are alternately transmitted by switching the shutters 16a and 16b.

Hence, since the present invention in which two images are formed at the spatially separated positions is differentiated from the cited reference. Thus, the Examiner's rejection thereof under 35 U.S.C. 102(b) is not proper.

It appears that the Examiner rejects the claims only in view of Drawings in the cited reference. So, the applicant has attached herewith our English translation of the description of Fig. 1 in the cited reference. This partial translation of JP Pat. 4-16812 is supplied in order that the Examiner will have a better understanding of what is disclosed in Fig. 1 of the patent. Please find the partial translation of JP Pat. 4-16812 in the attached appendix.

It is also noted that Akui reference does not disclose forming two images at the spatially separated positions by the objective optical system.

Hence, the present invention is differentiated from Akui reference. Thus, the Examiner's rejection under 35 U.S.C. 102(e) based thereon is improper. Specifically, claims 59-62 patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 59,

“A stereoendoscope comprising: an elongate inserted section; an illuminating light projecting means projecting an illuminating light from the distal end side of the inserted section; an objective optical system arranged on the distal end side of said inserted section and forming plural images having a parallax between each other respectively in spatially separated positions for the object illuminated by said illuminating light; and one image transmitting optical system transmitting said plural images, wherein the petzval sum of said objective optical system is a negative value.”
(Emphasis Added)

Therefore, claims 59-62 patentably distinguish over the cited references.

Claim 59

It is noted that claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akui reference, and the Examiner's comments, "Akui reference discloses the device as described in the rejection under 102(e) except for specifying the Petzval sum ...-..., and it would be obvious to the skilled artisan,... to provide for a negative Petzval sum within one optical system to compensate for a positive Petzval sum in another.....".

As mentioned above, it is noted that Akui reference does not disclose forming two images at the spatially separated positions by the objective optical system. Thus, Akui reference is differentiated from claim 59 already in its basic constitution, so that the premise of rejection thereof under 35 U.S.C. 103(a) is not established. Hence, it is not proper for the Examiner to reject claim 59 under 35 U.S.C. 103(a).

Claim 63

Neither of the cited references disclose that the central parts on the image taking surfaces of the plural image taking devices are arranged as inclined to contact curved surfaces of the images as recited in claim 63. Hence, it is not proper for the Examiner to reject claim 63 under 35 U.S.C. 102(b).

Specifically, claim 63 patentably distinguishes over the prior art relied upon by reciting,

“A stereoendoscope comprising: an elongate inserted section; an illuminating light projecting means projecting an illuminating light from the distal end side of said inserted section; an objective optical system wherein plural optical systems are arranged in parallel on the distal end side of said inserted section and plural images having a parallax between each other are formed for the object illuminated by said illuminating light; an image transmitting optical system comprising one optical system transmitting the plural images formed by the objective optical system; and an image taking means taking at least two images of the plural images transmitted by said image transmitting optical system, wherein said image taking means comprises plural image taking devices and central parts on image taking surfaces of said plural image taking devices are arranged as inclined to contact curved surfaces of the images.” (Emphasis Added)

Therefore, withdrawal of the rejection of claim 63 is respectfully requested.

Conclusion

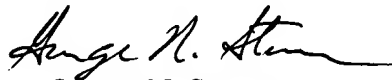
In view of the aforementioned amendments and accompanying remarks, claims 1, 2, 4, 58, 60, 61-63 and 71, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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